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ABSTRACT

This manual identifies critical factors to consider when conducting a least biased assessment of children from a non-English speaking background. The first section identifies relevant linguistic issues. The second section discusses aspects of English as a Second Language including legal issues, alternative means of assessment, testing without intelligence tests, and nontest-based assessment. Data collection procedures are covered next including observation-based, interview-based, or curriculum-based assessment. The next section gives steps in beginning and conducting a least biased assessment. Briefly discussed are using standardized tests with minority pupils, eligibility for special education, and developing comprehensive assessment reports. Checklists and forms are appended including an initial screening form, an interview guide, eligibility guidelines, suggestions for increasing cultural awareness, and questions which reduce bias. Includes 11 references. (DB)

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The Least Biased Assessment

Implications for Special Education

Crosscultural Special Education Series, Volume 4

by Laura Rydell

Resources in Special Education

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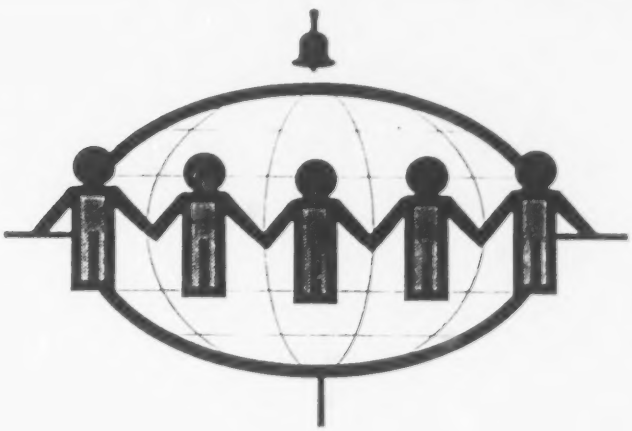

by Laura Rydell

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Introduction

In school districts across the nation, the accurate identification of non-English speaking background pupils for special education has presented an assessment challenge to educators. The numbers of these students from various language groups is increasing, and yet there is a critical shortage of both bilingual specialists and monolingual specialists trained and experienced in least biased assessment. This monograph attempts to fill a need by assisting specialists in how to conduct least biased assessments.

As it is almost impossible to completely eliminate bias in the appraisal process for non-English speaking background students, this monograph deals with *least biased* procedures rather than *nonbiased*. Least biased assessment reduces bias as much as possible since legislative requirements demand this protection for minority students.

Student in this monograph refers to any student who comes from a home where English is not the primary language. The student is said to have *a non-English background.* The student may have weak English skills and be termed Limited English Proficient (LEP) or may speak English quite well and be termed Fluent English Proficient (FEP). Even a student who appears to have fluent English will require an alternative assessment so that inherent test bias can be reduced as much as possible.

This manual provides an awareness of critical factors to consider when conducting a least biased assessment and outlines streamlined procedures for busy but conscientious specialists. Useful checklists and forms have been included in the appendix to assist specialists who conduct infrequent assessments on minority students and wish to cover the important areas required for a least biased assessment.

Linguistic Issues

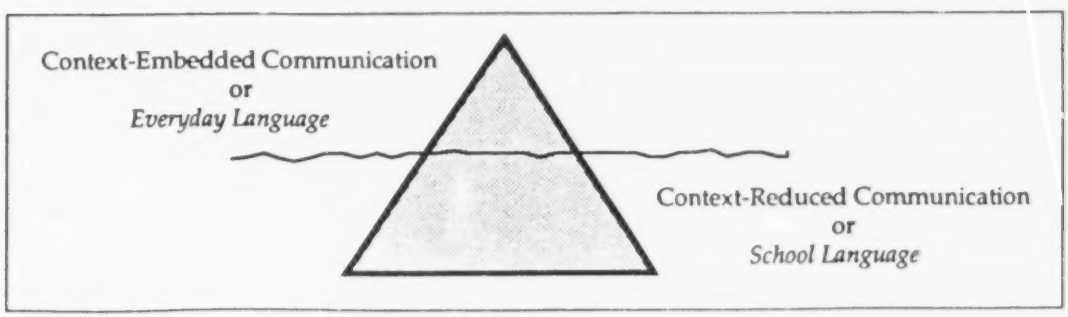
Many educators are unsure about what it means to be fluent or *proficient* in English. If a student can carry on a satisfactory conversation, he is often regarded as having sufficient English proficiency to take psychological and educational tests in English. Research and common practice show this assumption to be in error (Cummins, 1985). Ability to converse in English is not necessarily an indicator that the LEP student has the academic or cognitive English language skills needed for taking tests in English.

Research on second language acquisition shows that it takes LEP students much longer to attain grade/age appropriate academic skills than it does to attain face-to-face communication skills in English. It usually takes about two years for these students to develop age-appropriate English communicative skills and approximately five years to develop age-appropriate academic skills in English (Cummins, 1985).

Specialists evaluating a child who is acquiring English as a second language need to be aware of these two hypothesized linguistic stages. The first stage is called Basic Interpersonal Communicative Skills (BICS) and encompasses face-to-face communication (conversation) skills. The second stage is Cognitive Academic Language Proficiency (CALP) and encompasses the broader foundation needed for academic and cognitive progress in a second language (Cummins, 1985). These concepts can be explained to a teacher or parent by drawing an iceberg, with the tip visible above the water being the BICS (or social language skills) which is easy to assess informally in a conversation with the student. The larger portion of the iceberg which is hidden under the water is the CALP—the broad language foundation needed for academic and cognitive tasks in English. This hidden CALP is assessed through formal language testing, as it is difficult to accurately determine in a conversation with a child who can speak English fairly fluently.

Figure 1

Levels of Language Proficiency
(adapted from Cummins, 1984)



English as a Second Language

Educators sometimes do not realize that because of the student's English-as-a-second language (ESL) background, the regular English curriculum and psychoeducational assessment procedures are much more cognitively demanding because there are fewer contextual clues. LEP students rely heavily on contextual clues when they are communicating in English conversations. In a conversation the speakers usually know the topic, watch body language carefully, know most of the vocabulary words and can guess at the rest because of contextual clues. Cummins (1985) calls this a *context-imbedded* situation. Now imagine a reading, writing, or higher-level thinking task—this is a *context-reduced* situation—there are fewer contextual clues. The task becomes demanding when one has not mastered the second language sufficiently to comprehend the more abstract thinking required by most tests and the regular curriculum. Testing a student in English can be a biased assessment which misrepresents his abilities.

The necessity of testing a child in his native language is under-estimated by many specialists. Yet testing in L1 (child's first language) is a vital part of any alternative means of assessment — no matter how proficient the student appears in English, specialists often discover a child's native language skills to be below expectancy for his age. They should then explore the reasons for this (e.g., first language not used much at home, child now speaks more English than L1, child has language delay or disorder or child has low ability in all areas). Investing time in selecting which tests would be most appropriate in L1 and in training an interpreter will help ensure that L1 test results provide accurate answers to assessment questions. Of course, test normative data cannot be used under these circumstances, but much information about behavior and skills may be obtained.

Clearly, it is important to look for a direct relationship between a lack of development in CALP in the native language and the limiting effect this will have on development of English. Educators can predict that a child who has not developed a broad foundation of native language skills needed for cognitive and academic progress will have difficulty succeeding at academic and cognitive tasks in English. For example, a child who easily uses Spanish for academic purposes will have developed an ability that will be useful in using English for academic purposes. It follows that a well-schooled immigrant student may reach English CALP levels more quickly than a child who has had little schooling in his native language.

Many specialists may feel uncomfortable with the gray area of an alternative assessment — standardized tests results are usually invalid, no charts can be used and there are no clear-cut ways to determine if a child from a non-English background is eligible for special education. They also may not feel knowledgeable about the process of second language acquisition and how it affects school performance. This monograph will provide

assistance to specialists so they will be more knowledgeable and helpful to teachers and students.

Educators also need information about how to teach English to a child who is acquiring it as a second language. There is a tremendous difference between simply exposing the child to English and teaching him via comprehensible, meaningful input. According to Krashen (1985), any English spoken to the student must be comprehensible, interesting and relevant to the student. The goal is to transmit messages of interest. Extensive use of visual aids, student movement (such as following oral commands) and scaled-down vocabulary so the student can follow the conversation are all useful techniques. Structured language or grammar lessons should rarely be used since extensive research by Krashen and others shows that children acquire language structures more successfully through comprehensible input, rather than formal learning of grammatical rules.

Specialists may want to consider that perhaps the reason the child is making poor progress in school is that he is not being taught effectively. Cummins (1985) maintains that many minority children are inappropriately labeled learning disabled when, in fact, their difficulties are the result of educational programs that are ill-suited to their learning styles and cultural background.

Legal Issues

Diana v. State Board of Education was a class action suit filed in 1970 on behalf of Hispanic children. The court ruled on behalf of Diana, finding English testing could produce test bias when children were not fluent in English. The court required that pupils be assessed in their native language if the home language is other than English and requested local districts to develop a plan for eliminating the over-representation of Hispanic students in Educable Mentally Retarded (EMR) classes.

A court mandate resulting from the *Larry P. v. Wilson Riles* case has resulted in a ban on IQ testing for African American children in the state of California. This court case involved African American children inappropriately placed in EMR classes. The judgement was made that all standardized intelligence tests are discriminatory against African American children.

Alternative Means of Assessment

Sections 3030 (c) language disorder and 3030 (j) learning disability of Title V mention alternative means of assessment because both sections deal

with standardized tests. Alternative means are necessary any time there is a professional concern about the validity of the test for a child — as is always the case for a minority student. This means that there is concern that the standardized test may not accurately reflect the child's functioning. Generally any disparity between the student and the comparative normative sample will cause the results to be invalid (Education Code, Section 56320). A student who is culturally, linguistically, environmentally or experientially different will necessitate a least biased assessment, which is an alternative to the standard assessment usually administered by specialists.

Testing Without Intelligence Tests

There has been much criticism of the use of intelligence tests with minority students. Most intelligence tests have a heavy achievement component, which is appropriate when tests are given to children who have had sufficient educational opportunities in similar social and emotional environments. For minority students, the achievement emphasis often leads to invalid test results because of the sociocultural, experiential and linguistic differences.

A common solution to the dilemma — the exclusive use of nonverbal tests — is inadequate. Nonverbal tests measure only a subset of important intellectual skills. Also, nonverbal tests emphasize the importance of speed, which is largely a cultural value. For example, in many eastern cultures and in Hispanic cultures, speed does not play nearly as important a role in adaptive behavior as it does in the United States. Therefore, tests that place a premium on speed impose an inequity on members of such cultures.

Determine an alternative solution to the intelligence testing quandary as to what abilities one is really interested in measuring with IQ tests and then attempt to measure these abilities in ways that reduce the achievement load. Sternberg (1984) suggests some innovative solutions such as measuring vocabulary skills by presenting children with paragraphs written well below their grade level. Embedded in the paragraphs are a few unknown words. The task is to use the surrounding context to figure out the word meanings. He found that the quality of children's definitions of the unknown words correlated highly with overall verbal intelligence, reading comprehension, and vocabulary test scores.

Busy educational specialists may not be able to spend time developing alternative tests. However, they should make extensive use of nontest-based methods when conducting a least-biased assessment of a minority student.

Nontest-Based Assessment

Nontest-based assessment is not a replacement for standardized, norm-referenced testing but a companion to it. Other areas to consider are: 1) educational environment (past and present), 2) home/community environment, including health history and 3) cultural factors.

Educational Environment
(Past and Present)

Parent interviews can provide valuable information about the child's past and present educational environment. It is important to determine if the child has had sufficient opportunity for learning both at home and at school. Parents can provide answers to such key questions as:

- How many years did the child attend school in his native country?
- What sort of academic progress/grades did he make in his native country?
- Did he have learning problems in school in his native country?
- Did the child attend school regularly?
- What are the child's previous and current attitudes toward school?
- What are the parent's attitudes or values about education?
- What are the educational levels of both parents?
- What is the progress of siblings in school?

School record reviews can provide valuable information about the child's past educational environment. Record reviews may reveal critical data such as:

(Caution: Biased test results and subjective, culturally-based comments may also be found in school records.)

- child's primary home language
- past experiences of teachers and school officials with the child and the home
- additional services the child has received (e.g., Title I, ESL)
- number of years the child has attended school in the U.S.
- frequency of moves/school changes

- consistency of child's academic performance from year to year
- relationships of past test scores to present class performance

Teacher interviews can provide valuable information about the child's present educational environment. In addition to current skill levels and test scores, teachers can provide a wide range of important information such as:

- child's performance in individual/small group/large group learning situations
- child's rate of learning
- child's behavior in relationship to peers' behavior
- teacher's previous experience with children from this cultural group who were at a similar point of language acquisition/ acculturation
- child's strengths and weaknesses

Student observations can provide valuable information about the child's present educational environment, both in the classroom and on the playground. Observations by a specialist can provide additional data in such areas as:

- methods which seem to be most effective in meeting the behavioral/educational needs of the child
- whether the child's adaptive behavior is the same in different environments (classroom/playground/home)
- whether attempts are being made to modify the regular curriculum to meet the needs of the student.

Home/Community Environment
(including health history)

A **parent interview** is often conducted by the school nurse in conjunction with obtaining the student's health and developmental history. In addition to all the questions related to health and development that are usually asked, there are a few additional ones to be asked during a least biased assessment which will provide valuable information about the child's home/community environment, especially in areas of native language and English opportunities at home. These questions include:

- Is the child having trouble understanding or expressing himself in the native language?
- Do siblings converse in English at home?

- Is either parent bilingual?
- How much does the child watch television and in what language?
- Is child noticeably different from siblings in rate of learning at home?
- Is there evidence of financial hardship?
- Is the child receiving an adequate diet?
- Does home reflect economic disadvantages which may affect child's happiness/ability to concentrate in school?
- Are there peer group pressures related to school (e.g., gang membership) which may affect child's motivation to learn in school?

Teacher interviews can provide valuable information about home/school interface such as:

- Do parents attend parent conferences?
- Does teacher have an interpreter available if needed?
- Do parents actively support learning or leave it to the school?
- Does teacher understand cultural values of home which may affect child's progress in school?

Observation of child in the home by the nurse, psychologist or other educator can provide valuable information about the child's home/community environment such as:

- disciplinary techniques used with the child in the home
- differences in behavior of the child outside of the school setting
- differences in amount of talking the child does at home/school
- language the child uses to converse with parent
- books/television or other educational materials in the home

Cultural Factors

Parent interviews can provide valuable information about cultural factors which may greatly influence the child's behavior, such as:

- roles and duties of various family members
- sex differences in expected behavior

- customs and taboos (e.g., the derogatory connotation of patting a Vietnamese child's head)
- degree of overlap of home life with middle-class Anglo values
- parents' expectations and goals for their child

Teacher interviews can provide valuable information about cultural factors such as:

- teacher's previous experience with children from this cultural group
- teacher's degree of accommodation of child's language acquisition and acculturation needs
- teacher's willingness to learn more about child's native culture/values
- teacher's awareness that certain school behaviors will have to be specifically taught as they may be new to a child from a culture with different expectations/values

Student observations by specialists can provide valuable information about such cultural factors as:

- child's degree of acculturation into mainstream culture at school and at home (e.g., does child primarily associate with same culture peers and communicate in the native language)
- rate at which child demonstrates an ability to learn social rules and expectations

Data Collection Procedures

Multidisciplinary teams involved in least biased assessments need to expand their data collection procedures beyond standardized tests and into the realms of *nontest-based* methods. Most specialists have training in this area, but are rarely called upon to use their skills. A review of the three types of nontest-based data collection procedures follows:

1) observation-based assessment
2) interview-based assessment
3) curriculum-based assessment

Observation-Based Assessment

The thorough specialist arranges to directly observe the child in different settings — in the classroom, playground and at home. The specialist can also train the child's classroom teacher to properly define the behavior to be observed, measure and record classroom behavior and intervene and evaluate the outcome.

Many teachers need assistance in defining behavior in a way that it can be observed by anyone (e.g., out of seat behavior can be observed and measured but lack of motivation is not always observable). The specialist can then help the teacher measure the target behavior through one of the methods below:

- anecdotal records (writing down everything as it occurs)
- direct measurement of products (e.g., results of spelling test)
- frequency counting or event recording (recording every time a target behavior appears)
- duration (how long the behavior lasts from start to end)
- interval recording (recording whether or not a behavior occurs in a given time period)
- time sampling (recording whether or not a behavior is occurring at the end of given intervals).

In conducting a least biased assessment, the specialists and teachers may only be interested in compiling baseline data on the child's behavior in comparison to his peers. However, if the teacher wants to change a child's behavior in some way and is interested in investing time and energy to make it happen, the specialist may assist in developing a behavior intervention strategy.

Most educators will chart behavior only if they can do it in a time efficient manner. Therefore, a chart set up in an AB design is most often used in the schools. "A" represents the baseline period and "B" represents

the intervention period. Depending on the target behavior selected for measurement, the chart could be set up to record the level of behavior and time dimension so that data would show improvement by an ascending or descending pattern. Goals are best set after viewing the highest point of baseline data rather than arbitrarily based on the teacher's wishes for immediate improvement in student behavior. Charting behavior creates a visual picture which the LEP student and his parents will understand more easily than vague discussions or subjective evaluations of behavioral change.

Interview-Based Assessment

The use of interviewing in nontest-based assessment is essential to obtaining information from a variety of persons concerned with the child, including the child himself. Interviewing also secures the direct participation of people, other than the assessment specialists, in the referral to placement process.

A committee of specialists from West Orange County Consortium for Special Education developed a brief interview guide to be used when interviewing parents or other relatives (see Appendix A). In addition to any other questions which may be asked, answers to the following questions from the interview guide will provide important data about a child with a non-English background:

1) How many years has the child been exposed to the English language?
2) Is the child having trouble understanding or expressing him/herself in the native language?
3) Who speaks English at home?
4) Is the child noticeably different from siblings or peers in rate of learning at home?
5) Is there awareness on learning problems in school in the native country?

Interviews are best conducted in the home where the parent feels most comfortable. There is a section on the interview guide for the specialist to comment on the economic status or culturally different background of the home which may affect the amount of educational stimulation the child receives. A child cannot be placed in special education if the primary cause of his learning problems is due to cultural, environmental or experiential differences. [California Education Code, Section 56026 (e)]

Tips for successful visits to culturally different homes include:

1) Meet parents at home the first time.
2) Speak their language (or use interpreter).
3) Use the same interpreter each time.
4) Ask interview questions only after rapport has been established and you have answered the parents' questions.
5) Be aware of how their culture and values differ from yours. (Refer to Appendix D for pointers on cultural awareness).
6) Be respectful—parents are equal partners on the assessment team and are the experts on their child.

Curriculum-Based Assessment

Christopolos (1973) points out that informal and formal assessment should proceed from the activities that the classroom teacher is using. This is logical since modifications of existing curriculum can be made more easily than selection of new curriculum. Adjustments can be made to methods and materials, organization or teacher/student interaction.

Curriculum-based assessment includes the use of:

- direct observation of the learning environment
- analysis of the processes used by the student in approaching tasks
- examination of the tasks completed
- the teacher's control and arrangement of tasks for the student

Most specialists assess student skills on standardized tests. However, finding standardized tests for crosscultural special education students may be difficult. The process of least biased assessment should include the important areas of curriculum appropriateness, teacher practices and teacher/student interaction. When conducting a curriculum-based assessment, specialists look carefully at the relationship between student's skills and the demands of the curriculum task. The success of the performance is a measure of the instructional match made by the teacher between the assignment and the student's current skills. Most specialists can quickly determine whether the student is performing at a frustration level, instructional level or independent level. By examining the student's performance on a task, it is possible for

specialists to help teachers adjust the curriculum so the student's achievement can improve over time.

One way to use the curriculum to test is through the Cloze technique (Omark and Watson, 1981). This method compares the student's English language proficiency with achievement. Select a story the child has read in class. Omit every nth word (e.g., every fifth or seventh word) so that the child reads a story with about fifty words missing. Students write the missing words in the blanks. The nonreader will listen to the story orally, then say the missing word on a subsequent reading.

If the student fails half of the Cloze items, then achievement tests at the same reading level are inappropriate because children need to understand sufficient English *before* achievement tests can measure achievement. Otherwise, achievement tests may inadvertently measure the child's limited English language skills, rather than achievement. Based on the child's performance on the Cloze test, the specialist decides whether achievement tests in English are appropriate for the student and whether the curriculum should be adjusted to the student's limited language proficiency level.

How to Begin a Least Biased Assessment

Much additional information is required for a minority student at the initial screening stage. An expanded referral form called Initial Screening for Non-English Background Students was developed by specialists at the West Orange County Consortium for Special Education (see Appendix A). This form is a teaching tool — it helps teachers and specialists to focus on important aspects to be considered so that the child's needs can be viewed from a least biased perspective. Use of this form will help specialists differentiate a child with problems which may indicate special education needs. The form covers the following major areas:

1) general information

2) reason for referral/area of need

3) background
   - years in U.S.
   - previous school experience (U.S./Other)

4) family status

5) ESL program data
   - test results (English/Primary Language)
   - how long in ESL Program/Extent of ESL service
   - progress compared to others of similar background

6) health information

7) attendance record

8) annual progress in regular classroom

9) interventions

10) peer relations in class and on campus

11) motivation to learn English

12) additional comments

This form is a condensed compilation of important information needed for a least biased assessment and will save the specialist's time later should the screening and interventions indicate the need for assessment.

Steps in Conducting a Least Biased Assessment

Least biased assessments differ from regular assessments as seen in the outline below. By following these steps, specialists can more easily conduct an efficient least biased assessment.

1) Teacher reviews the Home Language Survey form in the cumulative record to determine the primary language.
2) Teacher (with help from specialists) completes the Initial Screening for Non-English Background Students (Appendix A).
3) Student Study Team reviews all information gathered from the Initial Screening form, regular and categorical program teachers and recommends intervention strategies.
4) After interventions, the Student Study Team decides that a formal referral for a least biased assessment is necessary.
5) Team completes a special education referral form and assessment plan, noting that this is *an alternative assessment* and the reason for it.
6) Specialists (with interpreter, if needed) obtain parent permission for assessment, complete Interview Guide for Non-English Background Students (Appendix B) and Health and Developmental History.
7) Specialists test child in primary language (with a trained interpreter, if needed) to determine native language skills.
8) Specialists also test in English, with an emphasis on nontest-based assessment rather than formal standardized tests.
9) Team and teacher use Eligibility Guidelines for Non-English Background Students (Appendix C) to determine whether the learning problems are primarily due to process disabilities or differences in cultural/language background.
10) Specialists prepare comprehensive assessment reports (see Assessment Reports Are More Comprehensive section).
11) Individualized Education Plan (IEP) Team Meeting is held (with interpreter, if needed) to determine eligibility and placement.
12) Goals and objectives are linguistically appropriate.

For a helpful list of questions specialists should ask themselves at the referral,assessment and report writing stages to be sure they have made every effort to reduce bias toward a student from a non-English background, refer to Appendix E.

Using Standardized Tests With Minority Pupils

Use caution when examining minority group children with standardized tests. Below are some general guidelines for selecting, administering, scoring and interpreting the results of standardized tests.

1) Select a test that examines those aspects of language (or cognition or academics) that need to be assessed.

2) Make an effort to identify those tests that included minority group children in the normative sample.

3) Choose the test that has the most valid items for the skills to be assessed.

4) Examine each item before administering the test to determine whether the child to be assessed has had access to the information and whether failure should be considered a disorder. Also determine whether modification of the items can produce the desired results.

5) Modify the items *before* administering the test.

6) Administer the test as recommended in the manual first. If the child misses the items, make necessary adjustments. Since the test was not developed for minority children, modifications should be made to obtain a more accurate picture of the child's skills. Such alterations include:
   - reword the instructions
   - provide additional time for the child to respond
   - continue to test beyond the ceiling

7) When testing language skills, it is best to score the test twice. First, record scores as directed in the manual. Even though some of the items have been changed, compare the responses according to the rules of the test. Next, rescore each item allowing credit for those items that are considered correct in the child's language. For example, English grammar tests which would penalize the Spanish double negative or the Vietnamese lack of plurals.

8) Compare both sets of scores with the norms. Typically, the adjusted scores are higher than the unadjusted scores for normal children. Children who are communication disordered will usually achieve low scores no matter how the test is scored (Weddington, 1981). If an interpreter is used, or if the test is translated, normative data should not be used.

9) Indicate in both the protocol and report that adjustments were made. Describe which items were modified, what was done and the differences in the child's responses after the modifications.

Eligibility For Special Education

School professionals usually rely heavily on test scores. However, eligibility for a student from a non-English background cannot be determined on the basis of test scores which are invalid [Education Code, Section 56320 (b) (2)]. For this student, there needs to be less emphasis on test scores and more emphasis on nontest based assessment which includes education environment (past and present) and home/community environment, including health history.

Clear guidelines for eligibility for minority students are crucial. Yet the multidisciplinary team is expected to determine whether the learning problems are primarily due to processing disabilities or differences in cultural/ language background. West Orange County Consortium for Special Education developed an efficient and helpful form to determine eligibility called Eligibility Guidelines for Non-English Background Students (Appendix C).

The Eligibility Guidelines form is designed to be used by the entire multidisciplinary team (including the classroom teacher) and incorporates data from the interview with the parents. The checklist is designed so that a team answer of *agree* on an item indicates a possible indication of special education needs. A team consensus of *disagree* on an item indicates a possible cultural/language factor which may not indicate special education needs. There is no magic number of checks in either column which indicates that a child is eligible for special education, but rather specialists look for a pattern where most answers fall into the *agree* column before considering special education as an alternative for the student.

The following is a list of items which comprise the Eligibility Guidelines and a brief explanation of each one.

1) Language disorder in native language (corroborated by a combination of specialist's alternative assessment, interpreter and parent. An L1 (native language) speech and language evaluation is optimal.

   The one axiom to keep in mind with an LEP student is, if the student is not handicapped in L1, then he is not handicapped in L2 (English). If he speaks his native language adequately, how can he be *a language disordered* child? Since LEP students often score low on English language tests, most look for how the child performs in his native language for this eligibility item.

2) Evidence of disability in the native language in one of five basic psychological processes (verified by specialist's alternative assessment or an L1 speech and language evaluation).

Keep in mind you are looking for processing problems and if you do not find any, the child may merely be experiencing normal second language acquisition problems.

3) Slow to acquire English despite ESL, school interventions (verified by ESL personnel, regular classroom teacher, etc.).

   Sometimes the ESL teacher is the first to notice that a child is making slower progress than peers who have been the U.S. a comparable amount of time and have a similar background.

4) Cultural/experiential differences and economic disadvantages are not the primary cause of the student's learning problems (verified by Interview Guide).

   The wording of the question is tricky, but it is asking whether the team feels that the main reason for this child's learning problems is the fact that he is from a different culture/language or is economically disadvantaged. If a child is experiencing difficulty in school due primarily to cultural, environmental or experiential background, he is probably not an individual with exceptional needs [Education Code, Section 56026 (e)].

5) Noticeably slower than siblings in rate of learning at home (verified by Interview Guide).

   How do the parents perceive the child's functioning outside of school? Sometimes parents do notice this — especially if the child is quite handicapped. You have already obtained data from the school staff regarding the child's progress in school compared to his siblings (see Initial Screening form).

6) Poor academic progress in native country (if applicable, verified by Interview Guide).

   Often children with learning handicaps were retained, had poor attendance or made poor grades in their native country. If they had trouble learning in their native language, you can predict learning problems in English.

7) Alternative assessment (e.g., nonverbal performance measure, adaptive behavior measure) indicates significantly below average intellectual functioning (verified by psychologist with interpreter, parent and regular classroom teacher or psychological evaluation in L1 using appropriate normed instruments.)

   This is asking if the child is developmentally delayed which would indicate a need for special education.

8) Academic achievement is significantly below English oral language proficiency (verified by ESL and special education alternative assessment).

In determining eligibility, psychologists are accustomed to looking for discrepancies between achievement and intelligence on State charts. Since the charts can't be used with minority students, a different way of looking at children from a bilingual perspective is needed. For these students, a discrepancy is investigated instead between English oral language skills and English academic skills. The student must have adequate mastery of the English language before academic growth can occur in achievement areas related to language (i.e., reading and written language).

The following examples illustrate how to determine the discrepancy. Assume the child has normal intelligence.

Example 1: A fifth grade LEP student scored a grade equivalent of 2.4 on a test of English language skills and a grade equivalent of 2.7 in English reading. There is no discrepancy between the amount of English he knows and his level of achievement in English reading. Therefore, the child is *on target* in his achievement in reading.

Example 2: If the same student scored 1.6 in reading, then there would be a discrepancy between his English proficiency (high) and his reading achievement (lower than might be expected). You would expect the child to be able to do cognitive/academic tasks at about the same level as his English language (CALP) proficiency baseline. The lower academic scores reveal a discrepancy which may indicate a learning disability.

9) Conclusion A: Other school resources have been utilized and found insufficient to meet the student's needs (e.g., Chapter 1, Bilingual/ESL class or tutoring, etc.).

All regular education alternatives have been exhausted before special education services are considered.

10) Conclusion B: Limited English language acquisition is not the *primary* cause of the child's learning problems.

Related to number 3 above and required by the Education Code.

11) Conclusion C: After taking into consideration the above information, the student appears to meet the special education eligibility criteria of CAC Title V, Section 3030.

Looking beyond test scores at the total child, does the team feel that the student is eligible for special education? Do most of the answers on the checklist fall in the agree column which would indicate possible special education needs? In which category does the child show a handicap which would indicate he is an individual with exceptional needs?

Assessment Reports Are More Comprehensive

Most existing tests are not standardized for students from non-English backgrounds. Since the test norms are not appropriate, tests results are usually reported in terms of raw scores, patterns of strength and weakness, or an analysis of items missed. In some cases, normed scores are reported with a disclaimer regarding validity.

Specialists need to include the following supplemental information in their reports to show that every effort was made to conduct a least biased assessment. Asterisks (*) indicate items from the Eligibility Guidelines checklist. It is helpful to refer to that completed checklist when preparing the report.

1)* results of native language testing

2) a comparison of English and native language skills to determine language dominance

3) a discussion of CALP (contrasted with BICS, where needed)

4) examiner's level of language proficiency in child's native language and its effect in interpretation of results

5) use of translations of English tests and reference to validity and reliability

6) use of an interpreter, their training, and the effect on assessment results

7)* consideration of the second language acquisition process and its relationship to the possible handicapping condition (i.e., is it an ESL problem or a true learning handicap?)

8) achievement levels in primary language (as appropriate)

9)* comparison of achievement scores in English with English oral language test scores to determine a discrepancy

10) if nonverbal measures are used, make a statement of their limitations

11) how standardized tests and techniques were altered

12)* the impact of language, cultural, environmental and economic factors on learning

13)* cross validation of information between test based and nontest-based measures that supports findings from more formal standardized measures

14) recommendations that include linguistically appropriate goals and objectives

Some specialists feel they have inadequate background in second language acquisition to make appropriate recommendations to the representatives. These procedures and forms will be helpful to specialists who rarely conduct least biased assessment on non-English background students. This monograph was designed for specialists who are not knowledgeable about second language acquisition or the special considerations of assessing these students. It is designed for busy but conscientious specialists who want to conduct an efficient least biased assessment.

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Appendix A

Initial Screening for Non-English Background Students

West Orange County Consortium for Special Education

I. GENERAL INFORMATION

Work phone: _____

Name: _____ Birthdate: _____ Age: _____ Home phone: _____

School: _____ Teacher: _____ Grade: _____

Date of enrollment in district. _____ Date of guidance team meeting: _____

II. REASON FOR REFERRAL

Academics (Test scores or level of classroom performance)

Reading: _____

Math: _____

Language Arts: _____

Area of need which may affect academic progress: _____

III. BACKGROUND

Years in U.S.: _____

Previous school experience: U.S.: _____

Other (if available): _____

IV. FAMILY STATUS

Comparable progress of siblings: _____

V. ESL PROGRAM DATA

1. ESL testing result:

	DATE	TEST	SCORE	ENGLISH OR PRIMARY LANGUAGE
Language				
Reading				
Writing				
Other				

2. How long in ESL Program/ extent of service (minutes per week): _____ / _____

3. Progress compared to others of similar background in ESL: _____

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VI. HEALTH INFORMATION

Vision and hearing screening date: _____

Results: _____

Serious health problems: _____

VII. ATTENDANCE RECORD: _____

VIII. ANNUAL PROGRESS IN REGULAR CLASSROOM (in years, months):

Reading: _____

Math: _____

Language Arts: _____

IX. INTERVENTIONS

Small group instruction: _____

Cross age-tutors: _____

Increased ISL time or different methods tried: _____

Funding programs (E.G., Chapter 1, Bilingual program): _____

X. PEER RELATIONS IN CLASS AND ON CAMPUS

_____

_____

_____

_____

XI: MOTIVATION TO LEARN ENGLISH

_____

_____

_____

_____

XII. ADDITIONAL COMMENTS

_____

_____

_____

_____

Appendix B

Interview Guide For Non-English Background Students

West Orange County Consortium for Special Education

Person interviewed / relationship _____ Date _____

1. How many years has the child been exposed to the English language? Explain.

2. Is the child having trouble understanding or expressing him/herself in the native language? (i.e., slow to respond, "baby talk," poor pronounciation, etc.) Use examples.

3. Who speaks English at home? With whom?

   Mother _____ _____
   Father _____ _____
   Child _____ _____
   Sibling _____ _____
   Extended _____ _____
   Family _____ _____

4. Is the child noticeably different from siblings or peers in rate of learning at home?

5. Were you aware of any learning problems in school in the native country?

STAFF COMMENTS

Interviewer:

Interviewer comments on the economic status or culturally different background of the home which may affect the amout of educational stimulation, (e.g., reading materials available in the home):

_____

Interviewer name/title

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Appendix C

Eligibility Guidelines for Non-English Background Students

West Orange County Consortium for Special Education

Student Name: _____ Date _____

agree	disagree	not applicable	
			1. Language disorder in active language (corroborated by a combination of specialist's alternative assessment, interpreter/translator, parent).
			2. Evidence of disability in the native language in one of five basic psychological processes [verified by specialist's alternative assessment: Assessment per CAC Title 5, SS 3030 (j)].
			3. Slow to acquire English despite ESL school interventions (verified by ESL personnel, regular classroom teacher, etc.).
			4. Cultural/experiential differences and economic disadvantages are not the primary cause of the student's learning problems (verified by interview guide).
			5. Noticeably slower than siblings in rate of learning at home (verified by interview guide).
			6. Poor academic progress in native country (if applicable, verified by interview guide).
			7. An alternative assessment (e.g., non-verbal performance measure, adaptive behavior measure) indicates significantly below average intellectual functioning (verified by psychologist with interpreter, parent and regular classroom teacher).
			8. Academic achievement is significantly below English oral language proficiency (verified by ESL and special education alternative assessment).
			Conclusion (based upon the above indicators)
			a. Other school resources have been utilized and found insufficient to meet the student's needs (e.g., Chapter 1, Bilingual/ESL class or tutoring, etc.).
			b. Limited English language acquisition is not the primary cause of the child's learning problems.
			c. After taking into consideration the above information, the student appears to meet the special education eligibility criteria of CAC Title 5, SS 3030.

Signatures

name/title	date	name/title	date
name/title	date	name/title	date
name/title	date	name/title	date
name/title	date	name/title	date

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Appendix D
Cultural Awareness

The practitioner must understand how his or her own cultural values, attitudes and behavior contrast with those of the culture in the home to be visited. For example, three major values commonly associated with mainstream American culture are efficiency, independence (freedom) and equality (democracy). Although these values are virtually unquestioned by those who share them, each represents a potential area of difficulty for a home interviewer who embraces these values and unconsciously acts on them in the context of the crosscultural home visit.

Efficiency

Basically an economic value, efficiency denotes conservation of time, energy, and material resources as a means of increasing profits or for maximizing the "cost-benefit ratio." In some cultures where efficiency is subordinate to other values, an interviewer who places a high value on efficiency may encounter the following difficulties in successfully conducting a home interview:

Scheduling appointments. Tightly scheduled appointments may not allow adequate time for establishing parental rapport. This is especially true in those cultures which view time as more relative than fixed, which stress informality or which encourage the observance of elaborate interpersonal protocol. In some cultures, for example, the presence of a guest in the home is perceived as an honor requiring semi-ritualized customs like the exchange of extended greetings and tea drinking before settling down to business. The home visitor who "has no time" to observe these customs risks offending or even "bringing shame upon" the host. Alienation also may occur when a home visitor schedules appointments to suit his/her own convenience with regard to parents' work schedules. It should be possible to avoid interrupting the work schedule of a migrant worker by arranging a home visit for the "next rainy day."

Maintaining control of the interview. One of the greatest advantages of the home visit is that it occurs in the parents' home territory. This makes it more comfortable for the parent to offer honest, comprehensive information about the child. The interviewer who insists on utilizing a set interview protocol and who retains tight control of the discussion is not effectively using the home environment and is likely to alienate the parents, especially in homes hostile to the majority culture or the school system. It is wise, therefore, to allow the parent to establish both the pace and the content of the first few home visits — to conduct, in short, "client-centered interviews."

Stressing information-gathering rather than information-sharing. In the interest of saving time, many interviewers make the mistake of firing rapid successions of questions at parents rather than providing careful explanations of the purpose of the home visit, the child's learning problems, diagnostic procedures, and /or programming recommendations. This approach can often produce misunderstandings and may even arouse the parent's suspicion or anger. The home visitor must be careful to balance the role of inquirer with that of messenger.

Being direct and to the point. Some home visitors normally may use a style which is direct and to the point. This style can be ineffective in homes where roundabout and seemingly ambiguous decision-making processes are the rule, where there is indecision, ambivalence or a tendency to digress, or where cultural differences mandate the home visitor's establishing a basis for mutual understanding before "getting to the point." To accommodate these differences, two visits might have to be made instead of one.

Independence

This value suggests freedom and personal responsibility and may create the greatest difficulties in the home visit. Some of these difficulties might include the following:

Ignoring the preference for group as opposed to individual action. In many cultures, the extended family provides a social network whose approval and/or active cooperation is required before the parent will participate in assessment and programming activities. Rather than view this dynamic negatively, the home visitor should acknowledge and investigate the strengths and potential support of the extended family.

These materials are reproduced with permission from *A Handbook for Culturally Appropriate Assessment.* (1977). A. L. Pasanella, L. Persselin, T. B. Sales, C. A. Volkmor (Eds.). California Regional Resource Center, School of Education, University of Southern California, Los Angeles.

Discounting deterministic beliefs. While these beliefs may be inconsistent with the prevailing views of the school system, it is incumbent upon the home interviewer to accomodate them in working with the parents and significant others in the child's home environment. Notions such as a child with a learning problem having been "touched by God" or a mentally retarded child having had "the light of his mind extinguished" may be formidable factors influencing the child's home environment, and as such, they must be acknowledged and handled with great sensitivity.

Describing a child's problem in terms that make the child appear lazy, disinterested or irresponsible. Emphasis on independence and personal responsibility often results in a tendency to ascribe a child's learning problems to the failure of the child. Not only is this frequently inaccurate but also may embarrass or offend the child's parents. Instead of asserting that "Susan is failing math" or "John is inattentive," it is better to shift the focus of responsibility from the child to the school, e.g., "We are not having much success in teaching Susan math" or "School doesn't seem to interest John." This may prevent parents from misperceiving and possibly punishing a child for a learning problem. Also, it may avoid embarrassing the parents if they believe that the family had been shamed by the child's failure. Conversely, it may better capture the interest of some parents who may assign little or no responsibility to young children because in their culture, children may not be considered responsible for their actions until puberty. Finally, by shifting the focus of responsibility to the school rather than the child, the home visitor may mitigate the feeling among many minority parents that they are at odds with the school system, and help convince them that the school is interested in a cooperative venture in assisting rather than criticizing their child.

Equality

This value is associated with the principles of democracy and social and economic freedom without regard to race, national origin, class status, sex or age. As in the case of independence, valuing equality uncritically can pose numerous problems for the home visitor. Some of these are:

Ignoring lines of authority and power. Some cultures have matriarchal or patriarchal family structures where final decisions are made by the father or mother but not both. In some cases, the advocacy of one or more of the family elders is required before the parents will cooperate with representatives of the school system. It is important, therefore, for the home visitor to discover the general decision making process within each cultural group with which the interviewer will be working as well as the idiosyncrasies of the decision making structure of each individual family. Understanding the former should assist in discovering the latter.

Using first names. In some minority cultures, first names may be used regardless of age,sex, class, income or relative authority. However, in cultures where first name usage symbolizes subordinate status or in those which preserve formality of address as a means for displaying respect, using first names may be an insult.

Expecting traditional democratic forms of exchange. Among some cultural groups, responding to a compliment with anything other than a denial is to display unwarranted pride. Thus, persons from these cultures rarely respond positively to compliments. The home visitor must be careful not to interpret particular patterns of exchange as "rude" or "unfriendly."

Touching. An increasingly common trend among humanistically-oriented young professionals is that of touching as a means of establishing rapport. As in first name usage, however, touching a parent, child or sibling may have adverse consequences. In some cultural contexts, for example, touching occurs only up or down the chain of authority, thus the home visitor's touch may be interpreted as a sign of implied dominance or simply a violation of appropriate social distance. Touching is only one aspect of non-verbal message systems which are different for each cultural group. The home interviewer needs to utilize the non-verbal behaviors appropriate to his or her role and status as a representative of the school as viewed from the standpoint of the home culture.

Assuming the role of authority figure. Just as many people justifiably expect certain forms of respect, so are they willing to demonstrate respect. In some cases, the child's parents may view the home visitor as an authority figure worthy of respect or even obedience, especially in cultures with rigid hierarchical structures. In these cases, the home vistor must be careful to represent him or herself as neither subordinate nor superior to the child's parents.

In summary, the home vistor must cultivate a general awareness that in certain cultures, and even in some mainstream homes, interviewer behavior reflecting an emphasis on efficiency, independence and equality may evoke some degree of cultural conflict detrimental to the objectives of the home visit. Home visitors, therefore, must learn to accomodate the value systems and learn to adapt their interviewing techniques to the cultural contexts in which they will be working.

Appendix E
Questions Which Reduce Bias

Phase I: Referral Questions

1) Were the parents/guardians aware that a referral had been made for their child, and by whom?

2) Is this child's problem clearly and precisely stated on the referral?
   a) Does the referral include descriptive samples of behavior rather than opinion of the referring agent?
   b) Is there supportive documentation of the problem?

3) Is the referral legitimate?
   a) Does the referring agent have a history of over-referral of children from certain cultural or racial/ethnic groups?
   b) Could irrelevant personal characteristics (e.g., sex or attractiveness) of the child have influenced the referral decision?
   c) Could the referring agent have misinterpreted the child's actions or expression because of a lack of understanding of cultural differences between self and child?

4) Did assessment team provide the referring agent with interim recommendations that may eliminate the need for a comprehensive evaluation?
   a) Is it possible that the curriculum being used assumed that this child has developed readiness skills at home which, in reality, he hasn't the opportunity to develop? If so, did the team assist the teacher in planning a program to give this child the opportunity to develop readiness skills?
   b) Did the team provide information on the child's cultural background for the referring agent so that there are fewer misunderstandings between the referring agent and this child and perhaps other children of similar cultural background?

5) If necessary, were the child's parents/guardians informed of the referral in their primary language?
   a) Were the reasons for the referral explained?
   b) Was there a discussion with the parents on what the next activities may be? e.g.,
      - professional evaluations
      - use of collected date
      - design of an individualized education plan, if necessary
   c) Were due process procedures discussed with the parents?
   d) Is parental permission for the evaluations documented?
   e) Have the parents been asked to actively participate in all phases of the assessment process?
   f) Have the parents been informed of their right to examine all relevant records relating to the identification, evaluation and educational plan of their child?

Phase II: Child Questions

1) What special conditions about this child were considered?
   a) What is the child's primary home language?
   b) What do we know about the child's home environmental factors? e.g.,
      - familial relationships/placement
      - social and cultural customs
   c) Do I understand this child's culture and language so that I can evoke a level of performance that accurately indicates the child's underlying competencies?
   d) Is this child impeded by a handicap other than the referral problem that may result in his not understanding what is discussed?

2) What special conditions about me do I need to consider?
   a) How do I feel about this child?
   b) Are my values different from this child's?
   c) Will my attitude unfairly affect this child's performance?

Adapted from *Nonbiased Assessment*. (1981). Oakland, T. University of Minnesota, MN: National School Psychology Inservice Training Network.

d) Could I evaluate this child fairly and without prejudice?
e) If not, would I refer him to another assessor if one is available?

3) Did I examine closely all the available existing information and seek additional information concerning this child?
   a) Has the child's academic performance been consistent from year to year?
   b) Is there evidence in this child's record that his performance was negatively affected by his classroom placement or teacher?
   c) Are his past test scores consistent with his past class performance?
   d) Am I familiar with past test instruments used to evaluate this child and how well can I rely on his prior test scores?
   e) Has this child been observed in other environments (individual, large group, small group, play, home)?
   f) Were illegitimate assumptions made about this child (e.g., is it assumed he speaks and reads Spanish simply because he is Puerto Rican)?
   g) Was information sought on non-school related variables that may have affected this child's school performance? e.g.,
      - health factors (adequate sleep, food)
      - peer group pressures

4) Did the child understand why he was being assessed?
   a) Did I try to explain it at his level of understanding?
   b) Was the child given an opportunity to freely express his perceptions of the problem?
   c) Did I or someone discuss with the child what next activities may be involved?

Phase IIIa: Assessment Questions

1) Was the best assessment approach used for this child?
   a) Considering the reasons for referral, did the techniques use behavioral observations, interviews, informal techniques or standardized techniques, or a combination of the above?
   b) Was adaptive behavior assessed thoroughly?
   c) Were the approaches consistent with the child's receptive and expressive abilities?
   d) Was there an overdependence on one technique, overlooking others that may have been more appropriate?
   e) Was there a balance between formal and informal techniques?

2) If standardized instruments were used, what ramifications were considered?
   a) Was this child tested simply because we always used these tests in the assessment procedure?
   b) Was a particular test readministered simply because it is part of the battery?
   c) Was a test administered because of a directive from the Administration?
   d) Do the instruments' standardization samples include persons from the child's racial-ethnic and cultural groups?
   e) Are subgroup scores reported in the manual?
   f) Were there large numbers of children from this child's racial-ethnic and cultural group included in the test standardization sample?
   g) Do the instruments selected assume a universal set of experiences for all children?
   h) Do the instruments selected contain illustrations that are misleading and/or outdated?
   I) Do the instruments selected employ vocabulary that is colloquial, regional, an/or archaic?
   J) Is the theoretical basis of the instruments understood?
   K) Will this instrument easily assist in delineating a recommended course of action to benefit this child?
   L) Has current literature regarding this instrument been reviewed?
   M) Has there been a review of current research related to potential cultural influences on test results?

Phase IIIb: Testing Questions

1) Were there factors (attitude, physical conditions) that support the need to reschedule this child for evaluation at another time?

2) Could the physical environment of the test setting adversely affect this child's performance?
   - room temperature
   - poor lighting
   - noise
   - furnishings inappropriate for child's size

3) Am I familiar with the test manual and did I follow its directions?

4) Was this child given clear directions?
   a) If his native language is not English, was he instructed in his language?
   b) Is there assurance that this child understood the directions?

5) Are entire responses to test items accurately recorded, even though the child's answers may be incorrect, so that they can be considered later when interpreting his test scores?

6) Was rapport established and maintained with this child throughout the evaluation session?

7) Has each item missed by this child been examined rather than merely his total score looked at?
   a) Is there a pattern to the types of items this child missed?
   b) Are the items missed free of cultural bias?
   c) If all items thought to be culturally biased were omitted, would this child have performed significantly better?

8) Were various factors considered in the interpretation of this child's scores?
   a) The effect the child's attitude and/or physical condition had on his performance?*
   b) Do the interpretations of this child's performance include observations?
   c) Are scores reported and interpreted within a range rather than as one number?

9) What confidence can we have in child's test scores?
   a) Are test scores the most important aspect of this child's evaluation?
   b) Do the test scores outweigh professional judgement about this child?

Phase IV: Assessment Report and Consultation

1) Is the report clearly written and free of jargon so that it can be easily understood by the child's parents and teachers?

2) Does the report answer the questions asked in the referral?

3) Are the recommendations realistic and practical for the child, school, teacher and parents?

4) Have alternative recommendations been provided?

5) Does the report describe any problems that were encountered and the effects of such during the assessment process?

6) Do the recommendations provide for possible modifications of the child, teacher, curriculum and parents?

7) Is there evidence that a committee functioned as a multidisciplinary team on behalf of this child?
   a) Did all professionals on the team share their findings on this child?
   b) Are team members' evaluations in conflict?
   c) Can each member admit his discipline's limitations and seek assistance from other team members?
   d) Do the professionals willingly share their competencies and knowledge with other team members for the benefit of this child?
   e) Has the team arrived at its conclusions as a result of team consensus or was its decision influenced by the personality and/or power of an individual team member?

8) Is the multidisciplinary team aware of its limitations?
   a) Are they aware of community resource personnel and agencies that might assist them in developing an educational plan for this child? Were such resources used before, during and after the evaluation?
   b) Did the team feel comfortable in including this child's parents in their discussions?
   c) Did the team engage in discussions that did not include the child's parents?